

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**CHRISTOPHER L. ESOMO,**  
**Plaintiff,**

**v.**

**ANGELA K. BARROWS, et al.,**  
**Defendants.**

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**3:07-CV-1814-K**

**FINDINGS, CONCLUSIONS AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Pursuant to the provisions of 28 U.S.C. § 636(b), and an order of the Court in implementation thereof, this cause has been referred to the United States Magistrate Judge. The findings, conclusions and recommendation of the Magistrate Judge are as follows:

**FINDINGS AND CONCLUSIONS:**

Type of Case: This is a *pro se* civil action.

Parties: Plaintiff is a resident of Irving, Texas. Defendants are Angela K. Barrows, Director of the Dallas District Office for the Bureau of Citizenship and Immigration Services (CIS); Michael Chertoff, Secretary of the Department of Homeland Security; Emilio T. Gonzales, Director of CIS; Alberto R. Gonzales, former U.S. Attorney General; and Robert S. Muller, III, Director of the Federal Bureau of Investigation (FBI). Process was issued in this case.

Statement of Case: Plaintiff sues Defendants based on the denial of his application for naturalization.

Defendant Robert Muller has filed a motion to be dismissed from this case for lack of jurisdiction pursuant to Fed. R. Civ. P. 12(b)(1). He argues that this case is now moot as to him

and the FBI. Plaintiff has not objected.

Findings and Conclusions: Whether a case is moot is a jurisdictional matter, since it implicates the Article III requirement that there be a live case or controversy. *Bailey v. Southerland*, 821 F.2d 277, 278 (5th Cir. 1987); *Donovan v. Air Transport District Lodge No. 146*, 754 F.2d 621, 624 (5th Cir. 1985).

The FBI completed its “name check” concerning Plaintiff on the request of USCIS on October 20, 2005. (Mot. to Dismiss at 3). Plaintiff seeks no other relief against the FBI or Defendant Muller. Accordingly, any claim against Defendant Muller or the FBI is moot.

RECOMMENDATION:

For the foregoing reasons, it is recommended that Defendant Muller’s motion to dismiss (Docket #7) be GRANTED and that Defendant Muller be DISMISSED from this case for lack of jurisdiction.

Signed this 14<sup>th</sup> day of February, 2008.



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WM. F. SANDERSON, JR.  
UNITED STATES MAGISTRATE JUDGE

NOTICE

In the event that you wish to object to this recommendation, you are hereby notified that you must file your written objections within ten days after being served with a copy of this recommendation. Pursuant to *Douglass v. United Servs. Auto Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (*en banc*), a party's failure to file written objections to these proposed findings of fact and conclusions of law within such ten-day period may bar a *de novo* determination by the district judge of any finding of fact or conclusion of law and shall bar such party, except upon grounds of plain error, from attacking on appeal the unobjected to proposed findings of fact and conclusions of law accepted by the district court.